



HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 200208344-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): James S. VOSS et al.

Confirmation No.: 2044

Application No.: 10/670,933

Examiner: KHAN, Usman A

Filing Date: September 25, 2003

Group Art Unit: 2622

Title: Systems And Methods For Associating An Image With A Video File In Which The Image Is Embedded

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 24 NOV. 2007.

☒ The fee for filing this Appeal Brief is \$510.00 (37 CFR 41.20).

☒ No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$120

☐ 2nd Month
\$460

☐ 3rd Month
\$1050

☐ 4th Month
\$1640

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 510. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

☒ A duplicate copy of this transmittal letter is enclosed.

☒ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Alexandria, VA 22313-1450
Date of Deposit: 05 DEC. 2007

OR

☐ I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571)273-8300.

Date of facsimile:

Typed Name: John S. Reid

Signature: John S. Reid

Respectfully submitted,

James S. VOSS et al.

By John S. Reid

John S. Reid

Attorney/Agent for Applicant(s)

Reg No.: 36,369

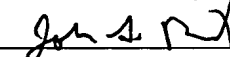
Date: 05 DEC. 2007

Telephone: 509-534-5789

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Date of Deposit: December 05, 2007

Typed Name of Person Mailing Paper or Fee: John S. Reid

Signature: 



PATENT APPLICATION
Docket No.: 200208344-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

In re application of:

Inventor(s): James S. VOSS et al.
Serial No.: 10/670,933
Filed: September 25, 2003
Title: Systems And Methods For Associating An Image With A
Video File In Which The Image Is Embedded
Art Unit: 2622
Examiner: KHAN, Usman A
Confirmation No.: 2044

Mail Stop APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

SIR OR MADAM:

This communication is the Appeal Brief in this application with respect to the Notice of Appeal filed on November 24, 2007. This Appeal Brief is being filed under the provisions of 37 C.F.R. § 41.37. The filing fee for filing this Appeal Brief, as set forth in 37 C.F.R. § 41.20(b)(2), is included herewith as indicated on the attached Transmittal of Appeal Brief.

(Continued on next page.)

12/07/2007 HMARZ11 00000080 082025 10670933

01 FC:1402 510.00 DA

Docket No. 10016294-1
Appeal Brief

I. Real Party In Interest:

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. Related Appeals and Interferences:

There are no other appeals or interferences known to appellants, the appellants' legal representative, or the assignee which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

III. Status of the Claims:

The following list provides the status of all the claims in the application:

Claim 1: rejected – currently on appeal;

Claims 2-6: cancelled;

Claims 7-10: rejected – currently on appeal;

Claims 11-12: cancelled;

Claims 13-15: rejected – currently on appeal;

Claims 16-17: cancelled;

Claim 18: rejected – currently on appeal; and

Claims 19-26: cancelled.

IV. Status of Amendments:

All amendments have been entered.

V. Summary of Claimed Subject Matter:

The summary corresponds to independent claims 1, 10 and 15, which are the independent claims on appeal. Discussions about elements and recitations can be found at least at the cited locations in the specification and drawings.

(Continued on next page.)

Claim 1:

With respect to claim 1, which is the first independent claim on appeal, a method for associating an image with a video file (see ¶ [0007]) includes creating a multi-mode image file (400, Fig. 4, and 520, Fig. 5) by capturing sequences of relatively low-resolution images (300, Fig. 3) of an observed scene and capturing relatively high-resolution images (302, Fig. 3) of the observed scene between the capturing of the sequences of relatively low-resolution images (see also ¶¶ [0026-0027] and [0037], and respective Figs. 3, 4 and 6). The method further includes extracting one of the relatively high-resolution images (302, Fig. 3) from the multi-mode image file (see ¶¶ [0033], [0039] and [0041], and respective Figs. 5, 6 and 7), and identifying at least one of a filename or a storage location of the multi-mode image file (see ¶ [0045] and Fig. 7). The method also includes storing the extracted relatively high-resolution image as an independent image (see ¶ [0039] and Fig. 6), and storing an indication of the at least one of a filename or a storage location of the multi-mode image file as metadata associated with the extracted relatively high-resolution image (see ¶ [0040] and Figs. 6 and 7).

Claim 10:

With respect to claim 10, which is the second independent claim on appeal, a system (100, Fig. 1) for associating an image with a video file (see ¶ [0007]) includes a means (516, Fig. 5) for identifying at least one of a filename or a storage location of a multi-mode image file (400, Fig. 4, and 520, Fig. 5) from which a relatively high-resolution image (302, Fig. 3) has been extracted (see also ¶¶ [0033], [0039], [0041], and [0045], and respective Figs. 5, 6 and 7), the multi-mode image file comprising sequences of relatively low-resolution images (300, Fig. 3) of an observed scene and relatively high-resolution images (302, Fig. 3) of the observed scene that were captured between the sequences of relatively low-resolution images (see also ¶¶ [0026-0027] and [0037], and respective Figs. 3, 4 and 6). The system (100) further includes a means (518, Fig. 5) for automatically storing an indication of the at least one of a filename or a storage location of the multi-mode image file as metadata associated with the extracted relatively high-resolution image (see ¶ [0040] and Figs. 6 and 7).

(Continued on next page.)

Claim 15:

With respect to claim 15, which is the third independent claim on appeal, a system (104, Fig. 5) stored on a computer-readable medium (502, Fig. 5) includes logic (516, Fig. 5) configured to identify at least one of a filename or a storage location of a multi-mode image file (520, Fig. 5 and 400, Fig. 4) from which a relatively high-resolution image (302, Fig. 3) has been extracted, the multi-mode image file (400, 520) comprising sequences of relatively low-resolution images (300, Fig. 3) of an observed scene and relatively high-resolution images (302, Fig. 3) of the observed scene that were captured between the sequences of relatively low-resolution images. The system (104) further includes logic (518, Fig. 5) configured to store an indication of the at least one of a filename or a storage location of the multi-mode image file as metadata associated with the extracted relatively high-resolution image (see also ¶ [0040] and Figs. 6 and 7).

VI. Grounds of Rejection to be Reviewed on Appeal:

Whether claims 1, 7-10, 13-15 and 18 are anticipated under 35 U.S.C. 102(b) by U.S. Patent No. 6,798,448 to Motono et al. (hereinafter, "Motono").

VII. Argument:

Rejection of Claims Under 35 U.S.C. 102

According to the United States Patent and Trademark Office (the "USPTO"), a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference, and that the identical invention must be shown in as complete detail as is contained in the claim. (MPEP 2131.)

Claims 1 and 7-9

The Appellants argue against the rejections of claims 1 and 7-9 under 35 U.S.C. 102 as being anticipated by Anderson on the grounds that each and every element as set forth in those claims is not found, either expressly or inherently described, in the cited prior art reference and/or that the identical invention is not shown by the cited reference in as complete detail as is contained in the claims.

Each of claims 1 and 7-9 contains at least the following limitations:

5 creating a **multi-mode image file** by capturing *sequences* of relatively **low-resolution images** of an observed scene and capturing relatively **high-resolution images** of the observed scene between the capturing of the sequences of relatively low-resolution images;

extracting one of the relatively high-resolution images from the multi-mode image file;

10 identifying at least one of a filename or a storage location of the multi-mode image file;

 storing the extracted relatively high-resolution image as an independent image; and

15 storing an indication of the at least one of a filename or a storage location of the multi-mode image file as **metadata** associated with the extracted relatively high-resolution image.

(Emphasis added.)

Motono does not teach or suggest these elements in as complete detail as is contained in claims 1 and 7-9. Specifically:

20 Motono does not teach or suggest “creating a **multi-mode image file**” in the manner of claim 1. In fact, Motono does not teach or suggest any manner of “creating a multi-mode image file” (as discussed more fully below).

25 Rather, Motono provides for “an imaging apparatus adapted to be switched from [an] interlaced read out mode to [an] all pixels read out mode or vice versa for taking a still picture or a moving picture.” (See Motono at Col. 1 lines 42-45.) Motono’s “interlaced read out mode” corresponds to a relatively low-resolution image for video (see Col. 1 lines 20-22), while Motono’s “all pixels progressive read out operation” (or “all pixels read out mode”) corresponds to a still picture image (see Col. 1 lines 29-34). That is, Motono provides for an imaging apparatus that can be switched from a low
30 resolution video mode to a high resolution still mode. As can further be seen from Motono at Col. 6 lines 48-54, this “switching” is performed by a user of the camera (e.g., by placing lever 12B in either the “VTR” (video) mode, or by placing lever 12B in the “CAM” (still camera) mode). It is further apparent from the discussion in Motono at

Col. 8, lines 30-53, that these modes result in the saving of separate files, and not a single “multi-mode image file”, as is required by appellants’ claim 1.

Further, since Motono does not teach or suggest a “multi-mode image file”, there is no way that Motono can teach or suggest the appellants’ claim limitation of
5 “extracting one of the relatively high-resolution images from the multi-mode image file”.

Still further, Motono does not teach or suggest “storing an indication of the at least one of a filename or a storage location of the multi-mode image file as metadata associated with the extracted relatively high-resolution image.” At most, Motono teaches storing a video file with a file name, and storing a still image file with a file
10 name. But nowhere does Motono teach or suggest associating the two files (video image file and still image file) with one another by way of “metadata”, or, in fact, by any means.

With further respect to the “multi-mode image file” of the appellants’ claim 1, such a file is created by “capturing sequences of relatively low-resolution images of an
15 observed scene and capturing relatively high-resolution images of the observed scene between the capturing of the sequences of relatively low-resolution images” (as required by claim 1). Motono, on the other hand, does not teach or suggest any method of capturing “relatively high-resolution images ... between the capturing of ... relatively low-resolution images”. In fact, it is apparent from the description of the
20 apparatus of Motono at Col. 6 line 66 through Col. 10 line 34 that no image file is captured wherein the file includes “relatively high-resolution images ... between ... relatively low-resolution images”, as is required by appellants’ claim 1.

Put simply, Motono only provides for a video camera (“cam-corder 100”) that can capture either low resolution video images, or high-resolution still images, which are
25 saved as separate files. Motono makes no provisions for a “multi-mode image file” consisting of both high-resolution and low-resolution images, and Motono provides no means for associating high-resolution still images to a related low-resolution video image, both as required by appellants’ claim 1.

Therefore, for at least the reasons set forth above, Motono does not anticipate
30 any of claims 1 and 7-9 because each and every element as set forth in those claims is not found, either expressly or inherently described, in Motono.

(Continued on next page.)

Claims 10 and 13-14

The Appellants argue against the rejections of claims 10 and 13-14 under 35 U.S.C. 102 as being anticipated by Motono on the grounds that each and every element as set forth in those claims is not found, either expressly or inherently described, in the cited prior art reference and that the identical invention is not shown by the cited reference in as complete detail as is contained in the claims.

Each of claims 10 and 13-14 contains the following limitations:

means for identifying at least one of a filename or a storage location of **a multi-mode image file** from which a relatively high-resolution image has been *extracted*, the multi-mode image file comprising sequences of relatively low-resolution images of an observed scene and relatively high-resolution images of the observed scene that were captured *between* the sequences of relatively low-resolution images; and

means for *automatically* storing an indication of the at least one of a filename or a storage location of the multi-mode image file as **metadata** associated with the extracted relatively high-resolution image.

(Emphasis added.)

Motono does not teach or suggest these elements in as complete detail as is contained in each of claims 10 and 13-14. Rather, as is explained above with respect to claims 1 and 7-9:

(1) Motono does not teach or suggest creating or saving any kind of file (i.e., a “multi-mode image file”) that “compris[es] sequences of relatively low-resolution images of an observed scene and relatively high-resolution images of the observed scene that were captured between the sequences of relatively low-resolution images”, as is required by appellants’ claim 10. Rather, Motono at most teaches saving low-resolution video images and high-resolution still images as separate files. (See Motono at Col. 6 line 66 through Col. 10 line 34.)

(2) Motono does not teach or suggest “means for automatically storing an indication of ... a filename or a storage location of [a] multi-mode image file as metadata associated with [an] extracted relatively high-resolution image [from the multi-mode image file]”, as is required by appellants’ claim 10. More particularly, Motono

does not teach or suggest (i) extracting a high-resolution file from a multi-mode image file (nor even the creation or existence of a “multi-mode image file” (per item (1), immediately above)), or (ii) automatically (or even manually) storing an indication of the multi-mode image file with the extracted image as metadata (or by any means).

5 Therefore, for at least the reasons set forth above, Motono does not anticipate any of claims 10 and 13-14 because each and every element as set forth in those claims is not found, either expressly or inherently described, in Motono.

Claims 15 and 18

10 The Appellants argue against the rejections of claims 15 and 18 under 35 U.S.C. 102 as being anticipated by Motono on the grounds that each and every element as set forth in claims 15 and 18 is not found, either expressly or inherently described, in the cited prior art reference and that the identical invention is not shown by the cited reference in as complete detail as is contained in claims 15 and 18.

15 Claims 15 and 18 both contain the following limitations:

logic configured to identify at least one of a filename or a storage location of **a multi-mode image file** from which a relatively high-resolution image has been extracted, the multi-mode image file comprising sequences of relatively low-resolution images of an observed scene and relatively high-resolution images of the observed scene that were captured *between* the sequences of relatively low-resolution images; and

20 logic configured to store an indication of the at least one of a filename or a storage location of the multi-mode image file as **metadata** associated with the extracted relatively high-resolution image.

25 (Emphasis added.)

Motono does not teach or suggest these elements in as complete detail as is contained in each of claims 15 and 18. Rather, as is explained above, with respect to

30 claims 1 and 10:

(1) Motono does not teach or suggest creating or saving any kind of file that “compris[es] sequences of relatively low-resolution images of an observed scene and relatively high-resolution images of the observed scene that were captured *between* the

sequences of relatively low-resolution images”, as is required by appellants’ claim 10. Rather, Motono at most teaches saving low-resolution video images and high-resolution still images as separate files. (See Motono at Col. 6 line 66 through Col. 10 line 34.)

(2) Motono does not teach or suggest any kind of “logic” (i.e., software, firmware or otherwise) that is “configured to store an indication of ... a filename or a storage location of [a] multi-mode image file as **metadata** associated with [an] extracted relatively high-resolution image [from the multi-mode image file]”, as is required by appellants’ claim 15. Further, Motono does not teach or suggest extracting a high-resolution file from a multi-mode image file (nor even the creation or existence of a “multi-mode image file” (per item (1), immediately above)). Moreover, Motono does not teach or suggest making any kind of “association” (metadata or otherwise) between a high-resolution file extracted from any other kind of file.

Therefore, for at least the reasons set forth above, Motono does not anticipate claim 15 or claim 18 because each and every element as set forth in those claims is not found, either expressly or inherently described, in Motono.

Brief Summary of Claims 1, 10 and 15 v. Motono:

The appellants contend that each of independent claims 1, 10 and 15 (as well as their respective dependent claims) are distinguishable (and therefore allowable) over Motono for at least the following reasons: (1) Motono does not teach or suggest a “multi-mode image file”, as is set forth in each of claims 1, 10 and 15; (2) Motono does not teach or suggest “extracting” a high-resolution image file from a multi-mode image file; and (3) Motono does not teach or suggest storing any kind of “indication” (metadata or otherwise) which associates an extracted image from the base file from which it was extracted (i.e., the “multi-mode image file”).

(Continued on next page.)

Summary

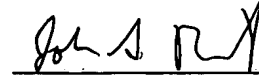
The Appellants respectfully request that the Board overturn the final rejections of each of claims 1, 7-10, 13-5 and 18, and request that those claims be allowed.

5 Dated this 05th day of December, 2007.

Respectfully submitted,
James S. VOSS et al. (Appellants)

10

by



John S. Reid
Attorney and Agent for Appellants
Registration No. 36,369
Telephone: (509) 534-5789

15

(Continued on next page.)

VIII. Claims Appendix:

Claim 1. A method for associating an image with a video file, the method comprising:

creating a multi-mode image file by capturing sequences of relatively low-resolution
5 images of an observed scene and capturing relatively high-resolution images of the
observed scene between the capturing of the sequences of relatively low-resolution
images;

extracting one of the relatively high-resolution images from the multi-mode image
file;

10 identifying at least one of a filename or a storage location of the multi-mode image
file;

storing the extracted relatively high-resolution image as an independent image;
and

storing an indication of the at least one of a filename or a storage location of the
15 multi-mode image file as metadata associated with the extracted relatively high-resolution
image.

Claims 2-6. (Cancelled.)

20 Claim 7. The method of claim 1, further comprising adding a graphical association
designation to the extracted relatively-high resolution image that indicates to a user that
the extracted relatively high-resolution image was extracted from a multi-mode image file.

Claim 8. The method of claim 7, wherein adding an association designation comprises
25 adding an icon that is visible when the image of the separate still image file is viewed.

Claim 9. The method of claim 7, wherein adding an association designation comprises
adding an indicator to the filename of the separate still image file.

(Continued on next page.)

Claim 10. A system for associating an image with a video file, the system comprising:
means for identifying at least one of a filename or a storage location of a multi-mode image file from which a relatively high-resolution image has been extracted, the multi-mode image file comprising sequences of relatively low-resolution images of an observed scene and relatively high-resolution images of the observed scene that were captured between the sequences of relatively low-resolution images; and
means for automatically storing an indication of the at least one of a filename or a storage location of the multi-mode image file as metadata associated with the extracted relatively high-resolution image.

Claims 11-12. (Cancelled.)

Claim 13. The system of claim 10, further comprising means for adding a graphical association designation to the extracted relatively-high resolution image that indicates to a user that the extracted relatively high-resolution image was extracted from a multi-mode image file.

Claim 14. The system of claim 13, wherein the means for adding an association designation comprise at least one of means for adding an icon that is visible when the image of the separate still image file is viewed and means for adding an indicator to the filename of the separate still image file.

Claim 15. A system stored on a computer-readable medium, the system comprising:
logic configured to identify at least one of a filename or a storage location of a multi-mode image file from which a relatively high-resolution image has been extracted, the multi-mode image file comprising sequences of relatively low-resolution images of an observed scene and relatively high-resolution images of the observed scene that were captured between the sequences of relatively low-resolution images; and
logic configured to store an indication of the at least one of a filename or a storage location of the multi-mode image file as metadata associated with the extracted relatively high-resolution image.

Claims 16-17. (Cancelled.)

Claim 18. The system of claim 15, further comprising logic configured to add a graphical association designation to the extracted relatively-high resolution image that indicates to a user that the extracted relatively high-resolution image was extracted from a multi-mode image file, the association designation comprising at least one of an icon that is visible
5 when the image of the separate still image file is viewed and an indicator to the filename of the separate still image file.

Claims 19-26. (Cancelled.)

10 -- End of Claims Appendix --

IX. Evidence Appendix:

None.

X. Related Proceedings Appendix:

None.